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Attorneys for Plaintiff
THE CONTINENTAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE CONTINENTAL INSURANCE
COMPANY, a corporation,

Plaintiff,

v.

KAWASAKI KISEN KAISHA, LTD.
D/B/A "K" LINE, a foreign corporation;
"K" LINE AMERICA, INC., a foreign
corporation; and DOE ONE through DOE
TEN,

Defendants.

Case No. C 07-06148 WHA

**THE PARTIES' NOTICE OF
SETTLEMENT AND LOCAL RULE 6-2
STIPULATED REQUEST THAT THE
COURT TAKE DEFENDANTS' MOTION
TO DISMISS PURSUANT TO TOKYO
DISTRICT COURT FORUM SELECTION
CLAUSE OFF-CALENDAR; AND
[PROPOSED] ORDER**

NOTICE OF SETTLEMENT AND STIPULATED REQUEST

WHEREAS the parties recently agreed to settle or otherwise amicably resolve the dispute at issue in this suit;

WHEREAS plaintiff The Continental Insurance Company expects to be in a position to sign a stipulation of dismissal with prejudice within 45 days;

WHEREAS defendants Kawasaki Kisen Kaisha, Ltd.'s and "K." Line America, Inc.'s Motion to Dismiss pursuant to the Tokyo District court forum selection clause is currently set for hearing on this Court's docket on May 8, 2008;

WHEREAS because of the settlement, the parties would like defendants' pending Motion to Dismiss to be taken off-calendar;

CT024/649121-1

PARTIES' LR 6-2 STIPULATED REQUEST FOR ORDER CHANGING TIME FOR HEARING OF
DEFENDANTS' MOTION TO DISMISS AND [PROPOSED] ORDER

1 WHEREAS there has been one previous time modifications in this case; and


2 WHEREAS, due to the settlement, the requested time modification will have no effect on
3 the schedule already set for this case;

4 NOW THEREFORE pursuant to Local Rule 6-2 the parties stipulate to this Court's entry
5 of an Order taking defendants' Motion To Dismiss off calendar, and request an Order from this
6 Court confirming same.

7 DATED: April 15, 2008.

Respectfully submitted,

8 ARCHER NORRIS

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10 
Jonathan W. Thames
James J. Jirn
Attorneys for Plaintiff
11 THE CONTINENTAL INSURANCE
12 COMPANY

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14 DATED: April 15, 2008.

Respectfully submitted,

15 COGSWELL, NAKAZAWA & CHANG, LLP

16 
Alan Nakazawa
Dena S. Aghabeg
17 Attorneys for Defendants
18 KAWASAKI KISEN KAISHA, LTD. AND
"K" LINE AMERICA, INC.

19
20 **[PROPOSED] ORDER**

21 PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.

22 Dated: April _____, 2008.

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25 The Honorable William H. Alsup
United States District Judge

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28 CT024/649121-1